

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.758 of 2014

In

Civil Writ Jurisdiction Case No. 853 of 2014

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1. Tribhuwan Nath Singh, Son of Jagarnath Singh, resident of Mohalla-Dahiyawan Tola, P.O.-Chapra, P.S.-Chapra Town, District-Saran, retired as Assistant (under suspension), Bihar State Food & Civil Supply Corporation Ltd., Siwan.

.... Petitioner/s

Versus

1. The State of Bihar, through Sri Shishir Kumar Sinha, Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. Sri Deepak Prasad, the Managing Director, Bihar State Food & Civil Supply Corporation Ltd., 5th Floor, Sone Bhawan, Birchand Patel Path, Patna-1.
3. Sri Kanhaiya Prasad, the Chief of Administration, Bihar State Food & Civil Supply Corporation Ltd., 5th Floor, Sone Bhawan, Birchand Patel Path, Patna-1.
4. Sri Mukesh Kumar Sinha, the Deputy Chief of Vigilance, Bihar State Food & Civil Supply Corporation Ltd., 5th Floor, Sone Bhawan, Birchand Patel Path, Patna-1.
5. Sri Sumeshwar Pandey, the District Manager, Bihar State Food & Civil Supply Corporation Ltd., Siwan.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Mahesh Prabhat, Sr. Adv.
For the O.P.-BSFC : Mr. Shailendra Kumar Singh, Adv.
For the O.P.-State : Mr. Kritya Nand Jha, Adv. (AC to SC29)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 25-03-2015

Heard the parties.

This is an application seeking initiation of contempt proceeding against the opposite parties for willfully violating the order dated 10.01.2014 passed in C.W.J.C. No. 853 of 2014. By the said order, the opposite parties were directed to dispose of the petitioner's representation dated 06.11.2013 latest by 31.01.2014.

A show-cause reply has been filed on behalf of the opposite parties stating therein that petitioner's representation has been disposed of by an order dated 08.08.2014.

Learned counsel for the petitioner submits that there was specific order by this Court, considering the circumstance of the case, to dispose of the representation of the petitioner by 31.01.2014. The petitioner contends that the opposite parties, in breach of the said order dated 10.01.2014, failed to dispose of the representation by 31.01.2014 and disposed of it nearly seven months thereafter on 08.08.2014. It is, accordingly, pleaded on behalf of the petitioner that opposite parties have committed contempt of this Court.

In the show-cause reply, the opposite parties have tendered unqualified apology. Learned counsel appearing on behalf of opposite parties no. 2 to 5 has submitted that there

has been substantial compliance of the order of this Court and delay in disposing of the petitioner's representation is not intentional.

Learned counsel for the petitioner has also submitted that opposite parties are reconsidering the matters in other cases.

In the facts and circumstances of the case, the unqualified apology tendered on behalf of the opposite parties no. 2 to 5 is accepted. This application, for initiation of contempt proceeding against them, is disposed of. However, disposal of the present contempt application will not come in way of the opposite parties reconsidering the petitioner's case, if they at all intend to do so.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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